

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q92546

Fabio STRADELLA, et al.

Appln. No.: 10/564,315

Group Art Unit: 3754

Confirmation No.: 8035

Examiner: NGO, LIEN M

Filed: December 21, 2006

For: DOSE INDICATOR FOR FLUID PRODUCT DISPENSING DEVICE

DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, **Fabio STRADELLA**, hereby declare and state:

THAT I am a citizen of Italy;

I, **Giuseppe STRADELLA**, hereby declare and state:

THAT I am a citizen of Italy;

THAT we, **Fabio STRADELLA and Giuseppe STRADELLA**, are the inventors of the
subject matter disclosed in U.S. Application No. 10/564,315 (hereinafter "the '315 application");

U.S. Application No.: 10/564,315

THAT we have been informed that claims 1-24 of the '315 application have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement for the reasons stated on pages 4 and 5 of the Office Action dated August 25, 2009;

THAT claims 1-24 are fully supported by the disclosure of the '315 application and the specification of the '315 application would enable one of ordinary skill in the art to make and use the claimed invention with limited and not undue experimentation, as discussed in further detail below;

THAT, regarding exemplary embodiments, the present application discloses:

[T]he invention provides for adaptation means that are movable and/or deformable, placed between the transmission element 34 and the part 54. Advantageously, these adaptation means take the form of an adjustable peg 134 attached to the transmission element 34. Advantageously, this peg 134 can slide in said transmission element 34, and the force necessary to bring about this movement (and/or corresponding deformation) is greater than the force applied during the actuation of the device in order to dispense the product and to actuate the indicator A.

(Original specification, page 12, lines 4-14)

THAT, regarding the movable adaptation means, one of ordinary skill would learn from this disclosure that: (1) an adjustable peg 134 is attached to the transmission element 34; (2) the adjustable peg 134 slides in the transmission element 34; (3) the adjustable peg 134 only slides when the force applied on the adjustable peg 134 is greater than the force applied during actuation of the device;

THAT one of ordinary skill would understand that an adjustable peg that slides in the transmission element only after a certain force is applied means that the peg is tightly fit into a hole or other opening in the transmission element;

U.S. Application No.: 10/564,315

THAT, one of ordinary skill in the art, given our disclosure, would readily be able to size the peg and the corresponding hole without undue experimentation so as to behave accordingly;

THAT, regarding the deformable adaptation means, one of ordinary skill would learn from the disclosure that: (1) the adaptation means is deformable, and (2) the adaptation means is only deformable when the force that is applied is greater than the force applied during actuation of the dispensing device;


THAT one of ordinary skill in the art would understand that a deformable adaptation means could be made of a material that is plastically deformable so as to change its shape under a certain load during assembly and maintain that changed shape when the load is removed;

THAT depending on the particular design of the dispenser device, one of ordinary skill having the knowledge of properties for various known materials would be able to select without undue experimentation a material with suitable material properties to produce the above described features of the deformable adaptation means.


We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

U.S. Application No.: 10/564,315

Date: _____


Fabio STRADELLA

Date: _____


Giuseppe STRADELLA